

EXHIBIT B

Robert L. Rosenthal

From: Robert L. Rosenthal
Sent: Tuesday, October 19, 2021 5:36 PM
To: 'Nicole Young'
Cc: Office
Subject: RE: Colvin v. MJ Dean

Hi Nicole,

You're correct. Those witnesses were not included in Defendants' disclosures. However, I believe that I have the right to offer them as rebuttal witnesses for the purpose impeaching Mr. Colvin's deposition testimony, where he alleged for the first time, that no one witnessed his argument with Mr. Gutierrez, that he was subjected to pervasive racist graffiti and white supremacist comments in the workplace, and that he complained about these issues to Antonio and Julian.

If you have any authority that indicates I cannot introduce rebuttal witnesses, please let me know and I will review accordingly.

Best,

Rob

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law for business

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From: Nicole Young <NYoung@danielmarks.net>
Sent: Tuesday, October 19, 2021 4:25 PM
To: Robert L. Rosenthal <rrosenthal@howardandhoward.com>
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Subject: Colvin v. MJ Dean

CAUTION: EXTERNAL EMAIL

Hi Rob:

In reviewing your motion for summary judgment filed on October 8, 2021, I noticed you attached three declarations from witnesses that were not disclosed during discovery, including Theodore Logan, Julian Jeffers, and Antonio Jalomo-Rodriguez. I have reviewed your FRCP 26 disclosures, including an initial, first, second and third supplements, and I do not see where any of those witnesses are listed. Before filing a motion to exclude,

I wanted to confirm that these witnesses were not disclosed. I ask that you please withdraw those declarations to avoid a motion to exclude and strike.

Please let me know if you have any questions.

Thank you!

Nicole

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